

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
ABERDEEN DIVISION**

**TAMMI T. DIXON**

**PLAINTIFF**

**V.**

**NO. 1:12CV205-JMV**

**MICHAEL J. ASTRUE,  
COMMISSIONER OF SOCIAL SECURITY**

**DEFENDANT**

**FINAL JUDGMENT**

This cause is before the court on the Plaintiff's complaint for judicial review of an unfavorable final decision of the Commissioner of the Social Security Administration denying her claim for Supplemental Security Income. The parties have consented to entry of final judgment by the United States Magistrate Judge under the provisions of 28 U.S.C. § 636(c), with any appeal to the Court of Appeals for the Fifth Circuit. The court, having reviewed the administrative record, the briefs of the parties, and the applicable law and having heard oral argument, finds as follows, to-wit:

Consistent with the court's ruling from the bench following the parties' oral argument, the court finds that the Commissioner's decision is not supported by substantial evidence in the record. Specifically, the ALJ's determination at step four of the sequential evaluation process that Plaintiff's work as a "cashier II" constituted past relevant work was error because said work did not meet the definition of substantial gainful activity under the regulations, Plaintiff's earnings having failed to meet the relevant minimum amounts. Thus, the ALJ's determination that the claimant was not disabled because she could perform this past work was not sufficiently supported. On remand the ALJ shall determine whether there is any work the claimant can

perform in light of her residual functional capacity and other relevant factors. The ALJ shall obtain additional vocational expert evidence and conduct any additional proceedings not inconsistent with this order.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that this case is **REVERSED** and **REMANDED** for further proceedings.

This, the 7<sup>th</sup> day of June, 2013.

/s/ Jane M. Virden  
U. S. MAGISTRATE JUDGE